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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

SOSAIA KANANDALE SEKONA,

Defendant and Appellant.

B290733

(Los Angeles County  
Super. Ct. No. YA091546)

APPEAL from a judgment of the Superior Court of  
Los Angeles County, Scott T. Millington, Judge. Affirmed.

Leslie Conrad, under appointment by the Court of Appeal,  
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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## FACTUAL AND PROCEDURAL BACKGROUND

A jury convicted Sosaia Kanandale Sekona of first degree premeditated murder following a shooting outside a restaurant in Inglewood. The jury also found true the allegations Sekona committed the crime to benefit a criminal street gang and personally and intentionally discharged a firearm causing death (Pen. Code, § 12022.53, subd. (d)). The trial court found Sekona had suffered a prior serious or violent felony conviction. The court sentenced Sekona to a state prison term of 75 years to life, consisting of 25 years to life, doubled under the three strikes law, plus 25 years to life for the firearm enhancement. The court stayed imposition of the sentence for the gang enhancement. (*People v. Sekona* (Jan. 29, 2018, B272444) [nonpub. opn.] )

In Sekona's initial appeal we vacated the sentence and remanded for a new trial on the gang allegation. We directed the trial court as follows: "If the jury finds the gang allegation true, the trial court is to impose the enhancement under [Penal Code] section 186.22, subdivision (b)(5), unless it exercises its discretion to strike the enhancement under [Penal Code] section 1385 or strike the punishment under [Penal Code] section 186.22, subdivision (g). The case is also remanded for the trial court to resentence Sekona on the firearm enhancement pursuant to" amended Penal Code section 12022.53, subdivision (h). (*People v. Sekona, supra*, B272444.)

On remand, the People elected not to retry the gang allegation, and the trial court dismissed it. Following argument by counsel, the court declined to exercise its discretion to strike the firearm enhancement. The court stated it had read the probation report listing Sekona's juvenile felony convictions for aggravated assault and robbery and his six adult misdemeanor convictions. The court also stated it had presided over the trial in this case and specifically remembered Sekona's execution-style shooting of the victim, a tourist from Japan. The court concluded, "So there is absolutely no reason, and I stress no reason, for me to dismiss the [Penal Code] section 12022.53 [subdivision] (d) [enhancement], and I'm not going to dismiss it under [Penal Code section] 1385." The court resentenced Sekona to a prison term of 75 years to life. Sekona filed a timely notice of appeal.

## DISCUSSION

We appointed counsel to represent Sekona in this appeal. After reviewing the record, counsel filed an opening brief raising no issues. On September 27, 2018 we gave Sekona notice he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider. We have not received a response.

We have examined the record and are satisfied that appellate counsel for Sekona has complied with the responsibilities of counsel and that there are no arguable issues. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

## **DISPOSITION**

The judgment is affirmed.

SEGAL, J.

We concur:

ZELON, Acting P. J.

FEUER, J.